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EXAMINER

LU, ZHIYU

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/518,520	Applicant(s) MYRY ET AL.	
	Examiner Zhiyu Lu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 37-38 recite the limitation "the file for the request". There is insufficient antecedent basis for this limitation in the claim.

Claim 46-47 recite the limitation "the communications medium". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 31-43 and 45-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Callaway, Jr. et al. (US Patent#6275500).

Regarding claim 31, Callaway, Jr. et al. anticipate a method of establishing communications group in a communications network comprising user equipments the method further comprising:

 sending a request from one user equipment acting as a master equipment to at least one slave user equipment over a communications medium, preferably a short-range communications

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medium, said request prompting the user of the slave user equipment to send user information for group establishment in the communications network (column 3 lines 16-38);

at least one slave user equipment sending a response comprising user information for group establishment, over the communications medium to the master user equipment (inherent piconet connection setup);

the master user equipment creating or modifying the group based on the information received in responses from the at least one slave user equipment (column 3 lines 16-38); and

the master user equipment sending the information on the created or modified group to the network for establishing said group (inherent in piconet connection, where each device has a list of group info).

Regarding claim 32, Callaway, Jr. et al. anticipate a method of establishing a communications group in a communications network further comprising:

sending a request from master user equipment to at least one slave user equipment over a communications medium, preferably a short-range communications medium, said request prompting the user (inherent in talk group connection) of the slave user equipment to send communications network (column 3 lines 16-38);

at least one slave user equipment sending over the communications medium a response comprising user information for group establishment to the master user equipment for communication in the communication network (inherent in piconet connection setup);

the master user equipment creating or modifying the group based on the information received in responses from the at least one slave user equipment (column 3 lines 16-38); and

the master user equipment sending the information on the created or modified group to all members of the group over the communications medium (inherent in piconet connection, where each device has a list of group info).

Regarding claim 33, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate the request and/or the response is one of the following: a multicast request, a point-to-point request, a short message request, an instant message request, an e-mail message request, a multimedia message request, a unified messaging message request, a WAP (Wireless Application Protocol) message request or an SIP (Session Initiation Protocol) message request (column 1 lines 43-60).

Regarding claim 34, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate the master equipment, in step of creating or modifying the group, checking the response from slave user equipment and if the information of the slave user equipment is acceptable, adding the slave user equipment to the group (inherent in column 1 lines 43-60).

Regarding claim 35, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate the request consists of a file which guides the user (inherent in talk group connection) of the slave user equipment to send only the information needed to establish the group to the master user equipment (inherent in piconet connection setup).

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Regarding claim 36, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate the request consists of a file which guides the slave user equipment to send only the information needed to establish the group to the master user equipment (inherent in piconet connection setup).

Regarding claim 37, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate the master user equipment retrieves the file for the request from the communications network, and/or from its memory, and/or from the slave user equipment (inherent).

Regarding claim 38, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate the master user equipment creates the file for the request (inherent).

Regarding claim 41, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate before sending the multicast request from the master user equipment to at least one slave user equipment, the master user equipment selects an identification to be used in the information interchange (inherent in Bluetooth connection setup).

Regarding claim 42, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate the request is send by using multicasting (column 3 line 67 to column 4 line 8).

Regarding claim 43, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate the request is send by using broadcasting (inherent).

Regarding claim 51, Callaway, Jr. et al. anticipate user equipment comprising a group communications capability, the equipment further comprising

means (transceiver) for sending a request to at least one slave user equipment over a communications medium, preferably a short-range communications medium, said request prompting the user of the slave user equipment to send user information for group establishment for communication in the communication network (column 3 lines 16-38);

means (transceiver) for receiving from at least one slave user equipment over the communications medium a response comprising user information for group establishment (inherent in piconet connection);

means for creating or modifying the group based on the information received in responses from the at least one slave user equipment (column 3 lines 16-38); and

means for sending the information on the created or modified group to the network for establishing said group (inherent in piconet connection, where each device has a list of group info).

Regarding claim 52, Callaway, Jr. et al. anticipate user equipment comprising a group communications capability, the equipment further comprising

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means (transceiver) for sending a request to at least one slave user equipment over a communications medium prompting the user (inherent in talk group connection) of the slave user equipment to send user information for group establishment (column 3 lines 16-38);

means (transceiver) for receiving from at least one slave user equipment over communications medium a response comprising user information for group establishment (inherent in piconet connection);

means for creating or modifying the group based on the information received in responses from the at least one slave user equipment (column 3 lines 16-38); and

means for sending the information on the created or modified group to all members of the group via the communications medium (inherent in piconet connection, where each device has a list of group info).

Regarding claims 39 and 53, Callaway, Jr. et al. anticipate the limitations of claims 31 and 51. Callaway, Jr. et al. also anticipate the communications medium is one of the following short-range communications media or networks: a circuit switched network, a packet switched network, a wireless local area network, an IrDA network, a Bluetooth medium or a network according to the IEEE 802.11 standards (column 1 lines 43-60).

Regarding claims 40 and 54, Callaway, Jr. et al. anticipate the limitations of claims 31 and 51. Callaway, Jr. et al. also anticipate the communications network is one of the following networks: a digital mobile communications network, a circuit switched network, a packet switched

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network, a wireless local area network, an IrDA network, a Bluetooth network or a network according to the IEEE 802.11 standards (column 1 lines 43-60).

Regarding claim 55, Callaway, Jr. et al. anticipate a communications system, comprising

a mobile communications network (mobile talk group),

a plurality of user equipment each including a group communications capability in the mobile communications network, and a transceiver for further communication over a short-range communications medium, further comprising:

at least one user equipment being configured to operate as master user equipment and to send a request to at least one slave user equipment over the short-range communications medium prompting the user of the slave user equipment to send user information for group establishment in the mobile communications network (column 3 lines 16-38);

at least one user equipment being configured to operate as slave user equipment and to send to the master user equipment over the short-range communications medium a response comprising user information for group establishment (inherent in piconet connection);

the master user equipment being further configured to create or modify the group based on the information received in responses from the at least one slave user equipment (column 3 lines 16-38); and

the master user equipment being further configured to send the information on the created or modified group to the mobile communications network for establishing said group (inherent in piconet connection, where each device has a list of group info).

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Regarding claim 56, Callaway, Jr. et al. anticipate a communications system, comprising

a mobile communications network (mobile talk group),

a plurality of user equipment each including a group communications capability in the mobile communications network, and a transceiver for further communication over a short-range communications medium, further comprising:

at least one user equipment being configured to operate as master user equipment and to send a request to at least one slave user equipment over the short-range communications medium prompting the user of the slave user equipment to send user information for group establishment in the mobile communications network (column 3 lines 16-38);

at least one user equipment being configured to operate as slave user equipment and to send to the master user equipment over the short-range communications medium a response comprising user information for group establishment (inherent in piconet connection);

the master user equipment being further configured to create or modify the group based on the information received in responses from the at least one slave user equipment (column 3 lines 16-38); and

the master user equipment being further configured to send the information on the created or modified group to all members of the group over the short-range communications medium (inherent in piconet connection, where each device has a list of group info).

Regarding claim 57, Callaway, Jr. et al. anticipate the limitation of claim 55.

Callaway, Jr. et al. also anticipate the short-range communications medium including one of the following short-range communications media or networks: a wireless local area network, an

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IrDA network, a Bluetooth medium or a network according to the IEEE 802.11 standards (column 1 lines 43-60).

Regarding claims 45 and 58, Callaway, Jr. et al. anticipate the limitations of claims 31 and 55. Callaway, Jr. et al. also anticipate the master user equipment sends the request automatically when new user equipment enters a predetermined area (inherent in Bluetooth connection detection).

Regarding claim 46, Callaway, Jr. et al. anticipate the limitation of claim 45. Callaway, Jr. et al. also anticipate further comprising detecting entrance of a client or new user equipment into the predetermined area, sending the request over the communications medium at least in the proximity of the entrance point (inherent in Bluetooth connection detection).

Regarding claim 47, Callaway, Jr. et al. anticipate the limitation of claim 45. Callaway, Jr. et al. also anticipate further comprising sending the request periodically over the communications medium at least in the proximity of the entrance point to the predetermined area (inherent in Bluetooth connection detection).

Regarding claims 48 and 59, Callaway, Jr. et al. anticipate the limitations of claims 31 and 58. Callaway, Jr. et al. also anticipate the master user equipment deletes user equipment from a group when user equipment exits a predetermined area or after a predetermined period of time has elapsed (inherent in piconet connection).

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Regarding claim 49, Callaway, Jr. et al. anticipate the limitation of claim 48.

Callaway, Jr. et al. also anticipate further comprising detecting exit of a client or user equipment from the predetermined area, sending an identification request over the communications medium at least in the proximity of the exit point, deleting a group member from the group on the basis of a response to the identification request, if any (inherent in piconet connection).

Regarding claim 50, Callaway, Jr. et al. anticipate the limitation of claim 31.

Callaway, Jr. et al. also anticipate the master user equipment or another device provided with the group information sends advertisements to the group members over the communications network (inherent).

Regarding claim 60, Callaway, Jr. et al. anticipate the limitation of claim 58.

Callaway, Jr. et al. also anticipate means (transceiver) for sending advertisements to the group members over the communications network (inherent).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway, Jr. et al. (US Patent#6275500) in view of Jamieson et al. (US2002/0034959)

Regarding claim 44, Callaway, Jr. et al. anticipate the limitation of claim 31.

But, Callaway, Jr. et al. do not expressly disclose the identification is an MSISDN number.

Jamieson et al. teach using MSISDN number as identification in talk group (paragraph 0022).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate using MSISDN number as identification in talk group taught by Jamieson et al. into the method of Callaway, Jr. et al., in order to configured talk group with mobile telephones.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vuong Quochien can be reached on (571) 272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu
August 1, 2006

ZL

 8/7/06
QUOCHIEN B. VUONG
PRIMARY EXAMINER